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**N.J.A.C. 7:1H
COUNTY ENVIRONMENTAL HEALTH STANDARDS OF
ADMINISTRATIVE PROCEDURE AND PERFORMANCE**

This rule expires December 21, 2010.

7:1H-1.1 Scope

Unless otherwise provided by rule or statute, the following shall constitute the rules of the Department of Environmental Protection concerning administrative procedures and environmental health standards pursuant to the County Environmental Health Act, N.J.S.A. 26:3A-21 et seq.

7:1H-1.2 Construction

These rules shall be liberally construed to permit the Department and its component divisions to effectuate the purposes of the law.

7:1H-1.3 Purpose

(a) These rules are promulgated for the following purposes:

1. To set forth standards for the administration of environmental health programs by county health Departments and certified municipal or regional health agencies;
2. To establish environmental health performance standards for the control of air pollution, solid waste, noise, and water pollution.

7:1H-1.4 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise. Where words and terms are used in standards which contain a citation to rules promulgated by the Department, the definitions of those words and terms will be the same as the definitions found in those Department rules.

"Air pollution" means the presence in the atmosphere of one or more air contaminants of any composition whatsoever, in such quantities and duration as are, or tend to be, injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or property within any portion of this State.

"Certified local health agency" means a local health agency that the Department certifies has satisfied the environmental health standards of administrative procedure and all applicable environmental health performance standards of this chapter, whose certification has not been suspended, terminated or revoked.

"Commissioner" means the Commissioner of Environmental Protection.

"County Department" means a county department of health established pursuant to P.L. 1975, c.329 (N.J.S.A. 26:3A2-1 et seq.) as amended and supplemented, with the purpose of providing environmental health programs throughout the county.

"Department" means the Department of Environmental Protection.

"Environmental health" means those health and environmental programs relating to the control of air pollution, solid waste, noise and water pollution.

"Environmental indicators" means direct or indirect measures of environmental quality that are used to assess the status and trends of environmental conditions.

"Hazardous substances" means such elements and compounds, including petroleum products, which are defined as such by the Department, after public hearing, and which shall be consistent to the maximum de-

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gree possible with, and which shall include, the list of hazardous substances adopted by the Federal Environmental Protection Agency pursuant to Section 311 of the Federal Water Pollution Control Act Amendments of 1972 as amended by the Clean Water Act of 1977, 33 U.S.C. 1251 et seq., and the list of toxic pollutants designated by Congress or EPA pursuant to Section 307 of that act; provided however, that sewage and sewage sludge shall not be considered as hazardous substances for the purposes of these rules.

"Interlocal services agreement" means a written contract that is executed between two local units for the joint provision of a service within their area of jurisdiction, pursuant to the Interlocal Services Act, N.J.S.A. 40:8A-1 et seq.

"Leachate" means a liquid that has been in contact with solid waste and contains dissolved or suspended materials from that solid waste.

"Local health agency" means any regional or municipal governmental agency organized for the purpose of providing health services and certified pursuant to these regulations.

"Major stationary source" means any stationary facility or source of air pollutants which directly emits, or has the potential to emit, 100 tons per year or more of any air pollutant.

"Monitor" means check, test, observe, survey or inspect to determine compliance with environmental health standards.

"National Environmental Performance Partnership System (NEPPS) Performance Partnership Agreement (PPA)" means the document which describes the joint United States Environmental Protection Agency and Department system that emphasizes results-based management through the development of long-term environmental goals, milestones and use of environmental indicators as measures of progress. These goals, milestones and indicators are articulated in a plan called a "Performance Partnership Agreement." A copy of this document may be obtained from the Department's Web Page on the Internet at www.state.nj.us/dep/dsr or by contacting the Department's Division of Science, Research and Technology at (609) 984-6071.

"Noise" means any sounds of such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property throughout the State or in any portions thereof, but excludes all aspects of the employer-employee relationship concerning health and safety hazards within the confines of a place of employment.

"Solid waste" means garbage, refuse, and other discarded materials resulting from industrial, commercial and agricultural operations, and from domestic and community activities, and shall include all other waste materials including liquids except for liquids which are treated in public sewage treatment plants and except for solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine on their own farms.

"Strategic Plan 1998-2001" means the Department plan which expresses its vision, mission, six broad environmental goals, selected milestones and new or enhanced strategies upon which the Department will focus to achieve these objectives. A copy of this document may be obtained from the Department's Web Page on the Internet at www.state.nj.us/dep or by contacting the Department's Office of Communications at (609) 292-3225.

"Toxic substances" means those pollutants, or combinations of pollutants including disease causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly or indirectly by ingestion through food chains, will, on the basis of information available to the commissioner, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformation, in such organisms or their offspring.

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"Water pollution" means the presence in or upon the surface or ground waters of this State of one or more contaminants, including any form of solid or liquid waste of any composition whatsoever, in such quantities and duration as are, or tend to be, injurious to the human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or property within any portion of the State.

7:1H-2.1 Provision of environmental health services

(a) The 19 existing county departments of health and any local health agency certified by the Commissioner of Environmental Protection pursuant to the procedures contained herein shall provide, or arrange for the provision of, environmental health services which meet the performance and administrative standards authorized herein. Every county health department and every certified local health agency is eligible for the receipt of such grants in aid for the provision of environmental health services as may become available to the Commissioner for distribution.

(b) A certified local health agency shall submit a countywide environmental health assessment and improvement plan to the Department by November 1 of each year. The plan shall include, but not be limited to, the following elements:

1. A description of the environmental problems or issues in the county, including environmental indicators, if available, and socio-demographic characteristics;
2. An evaluation of existing resources, including personnel, equipment and funding sources to carry out delegated responsibilities;
3. A review of environmental health partnerships between the certified local health agency and other local units, a description of the respective roles of each unit and whether interlocal services agreements have been executed;
4. Recommendations for environmental health activities to be undertaken during the upcoming grant cycle that are aligned with the Department's priorities as set forth in the Strategic Plan and NEPPS performance partnership agreement; and
5. Identification of any environmental health service gaps between the Department's priorities and the certified local health agency's priorities and/or emerging environmental issues at the county level and recommendations on how to address such issues.

(c) The Department shall review the county-wide environmental health assessment and improvement plan to identify delegated environmental activities to be undertaken by the certified local health agency in the upcoming grant cycle, and shall use this plan as a guide in apportioning grant monies to the certified local health agencies in accordance with (e) below.

(d) The Department shall conduct a grant conference each calendar year to discuss the Department's environmental priorities, as specified in the Strategic Plan and the NEPPS performance partnership agreement as well as emerging critical priorities established by the Department, which are relevant to the provision of environmental health services by certified local health agencies. Each certified local health agency shall have a representative attend this grant conference. Notice of the grant conference shall be made by means of a public notice published in the New Jersey Register.

(e) The Department shall apportion the monies available for grants among the certified local health agencies and establish delegated activities and output numbers based upon the following factors:

1. The extent to which the Department determines that the environmental activities to be funded are aligned with the Strategic Plan and the NEPPS performance partnership agreement and further the Department's goals and priorities as set forth therein;

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2. The extent to which the Department determines that each county's recommendations regarding delegated activities to be undertaken, as identified in its county-wide environmental health assessment and improvement plan, are appropriate and serve to further the Department's goals and priorities as set forth in the Strategic Plan and NEPPS Performance Partnership Agreement;

3. The certified local health agency's record of satisfying its obligations as specified in the annual CEHA grant agreements executed with the Department; and

4. The certified local health agency's funding needs to undertake delegated environmental activities.

7:1H-2.2 Duties and powers

(a) The county department and local health agency shall investigate citizen complaints and provide public information and citizen education services in all matters concerning environmental health. The county department and local health agency shall monitor the various State statutes, rules and regulations concerning environmental health; shall report any violations of said statutes, rules and regulations to the Department for enforcement; shall gather evidence of said violations as required; and shall provide witnesses for any resultant court action as needed. The county department and local health agency may maintain an action in a court of competent jurisdiction against any other person to enforce, or to restrain the violation of, any statute, regulation or ordinance which is designed to prevent or minimize pollution, impairment or destruction of the environment as provided in the Environmental Rights Act, N.J.S.A. 2A:35A-1 et seq.

(b) The county department may operate a technical resource center for environmental health services to provide:

1. Training programs for public and private persons or groups concerned with environmental health;
2. Laboratory services for analyzing materials to determine compliance with environmental health standards;
3. Technical assistance;
4. Library services;
5. Data collection and exchange services, concerning the results of all monitoring activities within the county; and
6. Any other function or service deemed necessary to effectuate the purpose of the County Environmental Health Act. The technical resource center may be established at the county college, if any, within the county.

7:1H-2.3 Work program to meet standards

(a) A county department or a lead agency designated pursuant to this section shall, within 15 months of the promulgation of these standards and by September 1 of each succeeding year, prepare a work program for meeting the standards and submit it to the Department. The work program shall be submitted to each municipality located in the county for review and comment prior to its submittal to the Department. The work program shall:

1. Provide a detailed description of program elements;
2. Delineate responsibilities for program implementation within the county;
3. Identify the personnel and their qualifications to provide the services;
4. Identify the resources required to meet the program objectives;
5. Provide a time schedule for achieving full program implementation; and

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6. In succeeding years, provide a report of accomplishments of the preceding year.

(b) During the preparation of the work program the county department or designated lead agency shall consult with all other interested public or private agencies, including any existing environmental commissions.

(c) In any county without a county department, the designated lead agency shall prepare a work program as required in this section, which work program shall have the approval of the county association of health officers of that county. The county governing body shall designate a lead agency within 90 days of the effective date of these standards. If the county governing body does not designate a lead agency in 90 days, the Department shall designate a lead agency. The county governing body may pay the administrative costs of any designated lead agency. The lead agency shall be one of the following:

1. The local health agency serving the largest number of municipalities in the county; or
2. A regional health commission, existing in the county, formed for the provision of one or more environmental health services and open to the membership of any municipality located within the county; or
3. A local health agency chosen by the county association of health officers; or
4. The county governing body, if that body chooses to act and if that body employs a full time County Environmental Health Coordinator who shall be a licensed Health Officer.

(d) In any county without a county department the county governing body shall prepare within 90 days of the effective date of these regulations a detailed report designating a lead agency and indicating the manner in which health services meeting the performance and administrative standards set forth herein shall be provided for the territorial area of the county. Such report shall include a description of the administrative organization for providing the environmental health services and such other information as may be required by the commissioner.

1. Within 30 days following the completion of the report, the county governing body shall conduct a public hearing to receive public comment concerning the contents of the report. Notice of the public hearing shall be published at least 15 days prior to that hearing in a newspaper circulated throughout the county. Within 30 days following the completion of the public hearing the county governing body shall give due consideration to the comments presented at the public hearing and may revise the report accordingly.

2. A copy of the revised report shall be submitted to the Commissioners of Environmental Protection and Health within 150 days of the promulgation of these standards.

3. A detailed report shall also be prepared by each county governing body and submitted to the Department by December 1 of each succeeding year. If any such county governing body approves the work program of the lead agency in any succeeding year it may submit that work program as its detailed report.

(e) A county department or designated lead agency shall consult with each local health agency located in that county in the development and implementation of the work program required by this section.

7:1H-2.4 Certification of local health agency

Any municipal or regional health agency which is presently providing environmental health services which meet the administrative and performance standards set forth herein and which is willing to coordinate its environmental health programs with those of its neighbors by implementing the work program of the county department or the designated lead agency, may petition the commissioner for certification and upon certification become the authorized local health agency for the performance of one or more environmental health services within its jurisdiction, if said agency serves a minimum population of 25,000. A contractual relationship whereby one municipality provides environmental health services to one or more other municipalities

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located in the same county will be certified as a regional health agency if the provisions of these standards are met.

7:1H-2.5 Personnel standards

(a) Every county department and local health agency shall provide environmental health services under the direction of a full-time employee trained and experienced in managing environmental health services. Each such department or agency shall be administered by a full-time health officer, provided however, that the existing administrator or a commission formed for the provision of one or more environmental health services need not be a health officer to continue as administrator of that commission.

(b) No county department or local health agency shall appoint any person to fulfill the duties of a sanitary inspector who is not a licensed sanitary inspector. Every employee of a county department or of a local health agency shall be qualified by experience and education to perform the environmental health services for which the employee is hired. Employees performing duties which, by the complexity of their nature, require a degree in the physical, chemical, biological or environmental sciences or engineering shall have such a degree.

7:1H-3.1 Performance standards for conducting an air pollution control program

(a) Enact and enforce a local air pollution control ordinance at least equivalent to the current model ordinances prepared by the Department.

(b) Control and prohibit open burning pursuant to N.J.A.C. 7:27-2; investigate and document those violations referred by the Department; monitor all approved burning permits for infested plant life, hazardous material, herbaceous plant life, orchard pruning and emergencies.

(c) Control and prohibit smoke from combustion of fuel pursuant to N.J.A.C. 7:27-3; investigate and record all smoke violations including complaints referred to the county Department or local health agency by the Department.

(d) Control and prohibit solid particles from combustion of fuel pursuant to N.J.A.C. 7:27-4; investigate and record violations; furnish assistance to the Department when corrective action can not be taken by the county Department or local health agency.

(e) Prohibit air pollution, pursuant to N.J.A.C. 7:27-5; investigate complaints, furnish assistance to the Department when corrective action can not be taken by the county Department or local health agency.

(f) Control and prohibit particles or emissions of sulfur from manufacturing processes, pursuant to N.J.A.C. 7:27-6, 7:27-7 and 7:27-3; record and prosecute Ringelmann or opacity violations, refer suspected violations of the mass emissions standard to the Department for necessary action.

(g) Provide assistance to the Department in the administration of N.J.A.C. 7:27-8; conduct initial investigations and follow-up inspections for the renewal of permanent certificate to operate equipment, as designated by the Department; notify the Department of any installation, alteration or operation of any equipment or control apparatus requiring a permit and certificate.

(h) Take liquid fuel samples as directed by the Department in connection with the administration of N.J.A.C. 7:27-9.

(i) Control and prohibit emissions from incinerators pursuant to N.J.A.C. 7:27-11.3(b), (c), and (d); refer suspected violations of the mass emission standard to the Department for necessary action.

(j) Administer air pollution emergency procedures pursuant to N.J.A.C. 7:27-12; monitor standby plans for facilities, as directed by the Department.

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(k) Control and prohibit air pollution by volatile organic substances pursuant to N.J.A.C. 7:27-16; inventory all facilities storing volatile organic substances; record and report violations of the standards concerning the storage and transfer of volatile organic substances.

(l) Control and prohibit air pollution from asbestos surface coatings and toxic substances pursuant to N.J.A.C. 7:27-17; inspect new construction and reconstruction sites and new or altered sources for compliance; record and report violations to the Department.

(m) Observe and report all violations at each major stationary source as requested by the Department.

(n) Respond to all emergency situations involving threats to public health or safety occurring within the county Department or local health agency's jurisdiction and assist Department personnel as required.

(o) Update emissions inventory data as requested by the Department.

(p) Personnel must complete the course "Fundamentals of Air Pollution Practice" or equivalent training approved by the Department, complete the course "Visual Emissions Evaluation Certification," and must maintain visual emissions certification by completing the course "Recertification of Visual Emissions Evaluation" every six months.

7:1H-3.2 Performance standards for conducting a noise control program

(a) Enact and enforce a local ordinance containing as a minimum provisions at least equivalent to sections 6.1 and 6.2 in the "Example Community Noise Control Ordinance." Additional provisions based upon local problems shall be added as needed.

(b) Monitor and enforce compliance with N.J.A.C. 7:29.

(c) Obtain or otherwise provide at least one sound level meter, calibrator, tripod and windscreen. Sound level meters shall meet ANSIS-1.4 (1977) specifications or the most recently completed revision thereof. The calibrator shall be calibrated at least annually by a certified facility.

(d) Personnel must be certified by successful completion of a noise control course approved by the Department and must be recertified at least every two years in the operation of sound level meters.

7:1H-3.3 Performance standards for conducting a hazardous substance control program

(a) All activity relating to spill control shall be conducted in accordance with the Discharges of Petroleum and Other Hazardous Substances, N.J.A.C. 7:1E, and the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq.

(b) Investigate reports of spills and other releases into the environment of oil, petroleum products and other hazardous substances from any source or cause, including pipeline or tank ruptures, train derailments, highway accidents, deliberate illegal dumping of waste (whether free-flowing or drummed), leachate from landfill or abandoned dump sites, releases from industrial sites, and the appearance of toxic pollutants in well water. Immediately report in a manner prescribed by the Department, all such incidents to the Department, along with an account of actions already taken.

(c) In cooperation with the Department, participate in the removal of certain designated hazardous substances, including petroleum products, which have been spilled, and in the taking of measures to prevent damage to public health, safety, welfare or the environment resulting from spills, and receive reimbursement for such activity where authorized under the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. Act as on-scene coordinator unless the Department indicates it will perform that function. When authorized by the Department to act as on-scene coordinator, take charge of removal activities, and report on the measures taken and the results of the measures to the Department. When the Department acts as on-scene coordinator, give assistance to the Department.

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(d) Investigate spill incidents in order to determine: the quantity of material released into the environment; the probable impact on public health and natural resources; the causes, persons responsible, and any other information needed to establish the seriousness of the incident; the remedial measures needed; and the identities of persons who may be liable for costs and damages. Make available to the Department and the Administrator of the New Jersey Spill Compensation Fund all information and evidence obtained from such investigations. In the event the State brings legal action, investigators and their evidence shall be available to appear in court and pretrial proceedings.

(e) Bring legal action against persons responsible for causing spills, by exercising the power to enforce environmental laws as provided in the Environmental Rights Act, N.J.S.A. 2A:35A-1 et seq., when requested by the Department.

(f) Claims for reimbursement of expenses incurred for activity related to the removal of spills of hazardous substances, or the prevention or mitigation of damages arising from such spills, as authorized by the Department, shall be presented to the Administrator of the New Jersey Spill Compensation Fund through the Department.

7:1H-3.4 Performance standards for conducting a solid waste control program

(a) Monitor compliance with the rules and regulations of the Department concerning the operation of solid waste facilities and the activities of solid waste collectors and haulers. Report the results of such monitoring to the Department for departmental enforcement or for local enforcement with the assistance of the Department.

(b) Enforce the Solid Waste Management Act, *N.J.S.A. 13:1E-1* et seq. by identifying violators and by collecting penalties. All enforcement efforts shall be coordinated with the Department to obtain consistent enforcement and to preclude duplication of effort.

(c) Identify and prosecute illegal or promiscuous solid waste dumping, in violation of N.J.A.C. 7:26-2.2.

(d) Assure limitation of landfill working face width to 150 feet pursuant to N.J.A.C. 7:26-2.5.

(e) Assure limitation of landfill lift height to 12 feet pursuant to N.J.A.C. 7:26-2.5.

(f) Assure that no solid waste is disposed in contact with surface or ground water pursuant to N.J.A.C. 7:26-2.5.

(g) Assure control of landfill litter, pursuant to N.J.A.C. 7:26-2.5.

(h) Assure adequate dust control at landfills, pursuant to N.J.A.C. 7:26-2.5.

(i) Assure control of landfill odors pursuant to N.J.A.C. 7:26-2.5.

(j) Assure the covering of all exposed waste surfaces at landfills pursuant to N.J.A.C. 7:26-2.5.

(k) Assure maintenance of cover thickness and stability pursuant to N.J.A.C. 7:26-2.5.

(l) Assure that only vehicles registered with the Department and properly displaying their solid waste numbers are allowed to haul or dispose of solid waste pursuant to N.J.A.C. 7:26-2.5 and N.J.A.C. 7:26-3.2.

(m) Assure covering of all septic tank and other fecal wastes pursuant to N.J.A.C. 7:26-2.6 and N.J.A.C. 7:14-5.1 et seq. at those landfills which are permitted to receive such wastes.

(n) Assure that bulky waste items are not allowed to protrude through final cover or the side slopes of a landfill pursuant to N.J.A.C. 7:26-2.6.

(o) Assure proper notice to local fire and police offices in the case of a landfill fire pursuant to N.J.A.C. 7:26-2.8.

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(p) Assure that no waste disposal activities occur in the vicinity of a landfill fire as prohibited by N.J.A.C. 7:26-2.8.

(q) Assure compliance with general operational requirements for incinerators, transfer stations, processing facilities and resource recovery facilities pursuant to N.J.A.C. 7:26-2.11.

(r) Assure that no landfill disposal activities occur within 50 feet of a landfill property boundary pursuant to N.J.A.C. 7:26-2.12.

(s) Monitor and assure compliance with the collection and haulage requirements in N.J.A.C. 7:26-3.

(t) Personnel performing solid waste inspections, as identified in the standards described above, shall be trained by the Department, through the arrangement of joint inspections with departmental inspectors, experienced in solid waste facility inspection. It shall be the responsibility of the county department or local health agency to arrange such joint training inspections.

(u) Assure that the type of waste disposed of at a landfill is in compliance with the type of waste identified in the landfill registration statement.

(v) Fees for enforcement activities may be charged and collected from the owner or operator of any sanitary landfill facility in accordance with N.J.A.C. 7:26-4.10.

7:1H-3.5 Performance standards for the provisions of public health laboratory services

(a) Laboratories providing the county department or local health agency with services for the analysis of potable water must hold a laboratory certification issued by the Department pursuant to N.J.A.C. 7:10-8.1.

(b) Laboratories providing the county department or local health agency with services for the analysis of wastewater, sludge and any other ground or surface water must have been granted interim approved by the Department until such time as the Department shall require laboratory certification for provision of these services.

7:1H-3.6 Performance standards for conducting a potable water supply control program

(a) Examine plans, issue certificates and permits and assure that water samples from newly constructed or altered non-public and public non-community potable water supply systems conform to requirements not less stringent than those of the current Standards for the Construction of Public Non-Community and Non-Public Water Systems, N.J.A.C. 7:10-12.

(b) Advise the Department of new non-community public water systems that are approved.

(c) Inspect non-public water supply systems, collect samples and provide for laboratory analysis of water when there is reason to believe that the supply may be contaminated or open to contamination.

(d) Encourage the collection of bacteriological samples at least four times per year from non-public water systems other than those serving single dwellings, in accordance with the provisions of N.J.A.C. 7:10-7.3(d).

(e) Participate upon request of the Department in special sampling of public and non-public water systems.

(f) Advise consumers of public water systems of Boil Water Orders imposed by the Department when requested by the latter to do so.

(g) Implement bans on additional connections to public community water systems that cannot provide safe and adequate service to consumers, upon the request of the Department.

(h) Confer with the local plumbing code official and survey premises served by non-public and public water systems for plumbing cross-connections not in compliance with the Plumbing Sub-Code, N.J.A.C.

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5:23-3.5, of the New Jersey Standard Construction Code and, where found, secure abatement of such plumbing cross-connections.

(i) Assure that premises are surveyed for unapproved physical connections between public community water systems and public non-community or non-public water systems; assure removal of such unapproved physical connections or installation of approved physical connections is required in accordance with N.J.S.A. 58:12A-1 et seq. and N.J.A.C. 7:10.

(j) Perform, or assure the performance of, initial inspection, quarterly pressure tests and annual internal inspections of approved physical connection devices and certify all results of such inspection concerning compliance with N.J.S.A. 58:12A-1 et seq. and N.J.A.C. 7:10.

(k) Maintain, or assure the maintenance of, records of all certificates, inspections, sampling analyses and actions taken relating to non-public or public water systems, cross-connections, and physical connections.

(l) Where violations of applicable statutes or regulations are discovered, take appropriate enforcement action under the Environmental Rights Act, N.J.S.A. 2A:35A-1 et seq.

7:1H-3.7 Performance standards for conducting a ground water pollution control and on-site sewage system management program

(a) Provide separately, or in cooperation with any other designated on-site sewage management agency, to the extent permitted by law, for:

1. Periodic inspection of the maintenance and operation of on-site sewage disposal systems;
2. Periodic bacteriological testing of water from selected individual or non-public potable water wells serving realty improvements which are also served by such systems;
3. The removal of the contents or the repair of such systems when inspections indicate the necessity of those actions in order to prevent or abate a violation of N.J.A.C. 7:9-2.1; and
4. Control of the health aspects of the activity of removing and transporting sewage from such systems to treatment or disposal sites approved by the Department.

(b) Examine plans, issue certificates and permits, and inspect new and repaired residential and commercial on-site sewage disposal systems, as identified in N.J.A.C. 7:9-2.1 et seq., to ensure that they conform to state law and the current edition of the Standards for the Construction of Individual Subsurface Sewage Disposal Systems.

(c) Approve plans and inspect individual sewage disposal systems receiving industrial wastes for conformance with N.J.A.C. 7:9-2.8 with the approval of the Department.

(d) Maintain a file of all plans, certificates, inspections and enforcement actions taken pertaining to residential, commercial, and industrial individual sewage disposal systems.

(e) Investigate nuisances and public health hazards caused by malfunctioning residential, commercial and industrial individual sewage disposal systems; take necessary enforcement action pursuant to N.J.S.A. 26:3-45 et seq., the Environmental Rights Act, N.J.S.A. 2A:35A-1 et seq., or local ordinances.

(f) Determine problem areas through a sanitary survey to include physical inspection and indirect methods such as geophysics or dye testing; accumulate evidence of the need for a public sewage collection system or for an individual sewage disposal system management program.

(g) Insure that the treatment and disposal of septage is conducted in an environmentally sound manner in accordance with applicable provisions of law.

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(h) Conduct a groundwater monitoring program designed to establish baseline conditions, provide early detection of pollution, and identify existing pollution sources.

(i) Sampling of groundwater shall be conducted in compliance with the Department's Field Procedures Manual for Data Acquisition.

(j) Inventory actual or potential groundwater pollution sources including, where applicable:

1. Landfills and dumps;
2. Holding ponds and waste disposal pits;
3. Municipal and industrial water lagoons;
4. Chemical stockpiles;
5. Fuel tank farms;
6. Injection wells and seepage pits for waste disposal;
7. Feedlots;
8. Areas of known or suspected saltwater intrusion;
9. Areas of land application of sewage, sludge or septage.

(k) Maintain a current file on each actual or potential source of groundwater pollution. The files shall contain data on each source identified, including:

1. Name of person or corporation responsible for discharge;
2. Name of owner of land on which discharge originates (if different from above);
3. Location and mailing address of discharger;
4. General nature of discharge. (For example, source, as listed in subsection (j) of this section, or industrial classification of source.)

(l) Provide the Department and interested local governments with data on actual and potential groundwater pollution sources to supplement the Department's monitoring efforts. Actual instances of ground water pollution shall be reported to the Department immediately.

(m) Report citizen complaints concerning ground water pollution to the Department and participate, upon request of the Department, in the investigation of such complaints.

7:1H-3.8 Performance standards for conducting a surface water pollution control program

(a) Plan, implement and enforce a surface water pollution control program, comprising the elements listed below, based upon the objectives contained in the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. and the Areawide Water Quality Management Plan adopted pursuant to the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.

(b) Survey streams, according to an annually established priority list, to locate outfall pipes and other sources of discharge of sewage or industrial waste into surface waters.

(c) Determine point and nonpoint sources of surface water pollution through physical inspection and dye testing.

(d) Annually, or more often as indicated, provide the Department with data on the surface water pollution sources investigated, including:

1. Name of person or corporation responsible for discharge;

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2. Location and mailing address of discharger;
 3. Body of water receiving discharge;
 4. Location of discharge into the body of water (including map);
 5. General nature of discharge. (For example, municipal, industrial classification, or NPDES/NJPDES permit numbers as supplied by the Department.)
- (e) Maintain a current file on each source of surface water pollution. The files shall contain an identification of the agency responsible for the control of the source, to be determined after consultation with the Department.
- (f) Report citizen complaints concerning surface water pollution to the Department and participate upon request of the Department, in the investigation of such complaints.
- (g) Conduct an ambient surface water quality monitoring program designed to supplement the data collected in the water quality management planning process, the primary monitoring network, and other department monitoring activities.
- (h) Conduct special surveys of stream segments, lakes, and estuaries according to an annually established priority list. Special surveys shall be designed to supplement those carried out by the Department, and to establish cause and effect relationships between nonpoint sources of pollution and surface water quality.
- (i) Sampling of surface waters shall be conducted in compliance with the Department's Field Procedures Manual for Data Acquisition.